

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

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CONNECTICUT
SITING COUNCIL

IN RE:

APPLICATION OF OPTASITE, INC. AND
OMNIPOINT COMMUNICATIONS, INC.
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 940 MERIDEN ROAD IN THE
CITY OF WATERBURY, CONNECTICUT

DOCKET NO. 321

DATE: DECEMBER 21, 2006

PROPOSED FINDINGS OF FACT

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, Optasite, Inc. and Omnipoint Communications, Inc. (the "Co-Applicants") submit these Proposed Findings of Fact ("Proposed Findings").

Introduction

1. The co-Applicants, in accordance with provisions of Connecticut General Statutes ("C.G.S.") §§ 16-50g through 16-50aa and §§ 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies ("R.C.S.A."), applied to the Connecticut Siting Council ("Council") on September 13, 2006 for a Certificate of Environmental Compatibility and Public Need ("Certificate") for the construction, operation and maintenance of a 110-foot monopole wireless telecommunications facility ("Facility") at 940 Meriden Road, Waterbury, Connecticut ("Site"). (App. at 1).
2. The purpose of the proposed Facility is to provide wireless coverage service to this area for both Omnipoint Communications, Inc. ("T-Mobile") and Sprint/Nextel. (App. at 1, Exhibit F, Exhibit G; T-Mobile and Nextel Interrogatory Responses; Pre-Filed Testimony of Scott Heffernan at 3).
3. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on Tuesday, November 21, 2006, beginning at 3:00 p.m. and continued at 7:00 p.m., at the City Hall of

Waterbury, 235 Grand Street, Waterbury, Connecticut ("Hearing").
(Hearing Notice; 3:00 p.m. Transcript ["Tr."] at 3).

4. The Council and its staff made an inspection of the Site on November 21, 2005 at 2:00 p.m. (Hearing Notice).
5. The co-Applicants flew a four foot red balloon at a height of 110 feet at the Site from 8 am to 5 pm on November 21, 2006. (7:00 p.m. Tr. at 8; Exhibit 5).

Need

6. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services. Through the Federal Telecommunications Act of 1996 (the "Act"), Congress seeks to promote competition, reduce regulation to encourage technical innovation, and foster lower prices for wireless telecommunications services. The Act pre-empts any state or local determination of public need. (App. at 5-6; 3:00 p.m. Tr. at 4-5; Telecommunications Act of 1996).
7. A Facility at the Site will provide coverage for significant coverage gaps experienced by T-Mobile in Waterbury specifically along Meriden Road and the surrounding area. In addition, a Facility at the Site will provide capacity off-loading for adjacent operating sites of T-Mobile along Interstate I-84. (App. at 6, Exhibit F; Interrogatory Responses, Pre-filed testimony of Scott Heffernan ("Heffernan Testimony")).
8. A Facility at the Site will provide coverage for significant coverage gaps and capacity problems experience by Sprint/Nextel along Meriden Road and the surrounding area. (App. At 6, Exhibit G; Nextel Interrogatory Responses, 3:00 p.m. Tr. at 47-63)

Coverage

9. T-Mobile testified that they need to locate at a height of 97 feet on this Facility to minimize the number and height of future telecommunications towers in this area. (Heffernan Testimony at 3-4).

10. T-Mobile has plans for other facilities in this area to provide increased connectivity between the sites. (3:00 p.m. Tr. at 21-32).
11. Sprint/Nextel testified that they need to locate at a height of 107 feet on this Facility to minimize the number and height of future towers in this area. [Nextel Interrogatory Responses, 3:00 p.m. Tr. at 49].

Site Search

12. Optasite determined that there were no existing structures of a suitable height or location from which the existing lack of coverage experienced by licensed telecommunications carriers in this area of Waterbury could be remedied. Only after determining that there were no buildings or structures of sufficient height in this area did Optasite search for an appropriate location for a new telecommunications facility. (App. at 8-9; pre-filed testimony of Keith Coppins ("Coppins Testimony") at 2-5).
13. Optasite conducted a survey of property within the area to identify the best possible location to serve the needs of T-Mobile and other wireless carriers. Optasite focused its search efforts on large tracts of industrial or commercial areas which have appropriate environmental and land use characteristics. (Coppins Testimony at 3).
14. Optasite considered numerous other parcels of land in the area of the proposed Facility, but rejected them on the basis of location, size, visual impact or environmental impact. (App. Exhibit I; Coppins Testimony at 3).
15. Optasite's goal in selecting the Site was to locate a Facility in such a manner as to allow both the City and telecommunication carriers to build and operate high-quality communication systems with the least environmental impact and impact to residential areas. (Coppins Testimony at 2-4).

The Site

16. Optasite proposes to construct the Facility in the north central portion of a 104 acre parcel of land owned by Pine Grove Cemetery Association, known as 940 Meriden Road (also known as 850 Meriden Road), Map

0302,Block 0377, Lot 0070 of the Waterbury Tax Assessor's Map. (App. at 3, Exhibit K).

- 17.The Site is located within a RL Low Density Residential Zone. The Waterbury Zoning Regulations (the "Regulations") do not prohibit wireless facilities in the RL zone. (App. at 10, 17; Regulations).
- 18.The Site is currently used as a cemetery with an associated office building and parking lot. Large portions of the Site are undeveloped and wooded. (App. at 3; 11.21.06 Site Review).
- 19.The area surrounding the Site is primarily composed of residential land and commercial land along the Meriden Road corridor. (App. at Exhibit I).
- 20.The proposed Facility has been designed to accommodate T-Mobile, Sprint/Nextel and the equipment of two (2) other telecommunications carriers as well as the City of Waterbury emergency services equipment, if requested. (App. at 2, Exhibit A, 3:00 p.m. Tr. at 16-17).
- 21.The Facility will accommodate the antennas and equipment of Sprint/Nextel at an antenna centerline of 107 feet AGL, T-Mobile at an antenna centerline of 97 feet ALG and two (2) other wireless carriers at antenna centerline heights of 87 feet AGL and 77 feet AGL. (App. p. 2, Exhibit A).
- 22.The Facility will be constructed so that, if requested in the future, the Facility can be expanded to additional heights for future wireless carriers. (3:00 p.m. Tr. at 20-21).
- 23.The compound area at the base of the Facility will include locations for T-Mobile, Sprint/Nextel, and the equipment of two (2) other telecommunications carriers. The compound will be enclosed by a new eight-foot chain-link fence. (App. at 10, Exhibit A).
- 24.Vehicular access is proposed over an existing driveway off of Meriden Road and a new gravel driveway of approximately 130 feet in length. (App. at 10, Exhibit 4).
- 25.Utility service will run underground from existing utility service currently serving the existing office building on the Property. No water or sanitary

facilities are required and, once built, the Facility will generate minimal traffic because each of the co-locating entities will only need to visit the Site about once a month to perform routine maintenance and inspection. (App. at 9-11, Exhibit A; Exhibit 4).

26. The total estimated cost of the proposed Facility is approximately \$158,000.00. The total duration of the construction would be approximately twenty-two weeks. (App. at 20-21).

Municipal Consultation

27. Optasite first met with the City of Waterbury on July 25, 2006 and with the Town of Wolcott on August 1, 2006. (App. at 19).
28. Both the City of Waterbury and Town of Wolcott indicated that did not have any opposition to the proposed Facility. In addition, the Mayor of the Town of Wolcott indicated that he felt the proposed Facility would be beneficial to the area and its residents. (App. at 19).

Environmental Considerations

29. The Site contains no known existing populations of Federal or State Endangered, Threatened or Special Concern Species, according to the Connecticut Department of Environmental Protection Diversity Database. (App. at 20, Exhibit N).
30. The proposed development will not directly or indirectly affect any wetlands or watercourses. (App. at 14, Exhibit J).
31. The State Historic Preservation Officer (SHPO) has determined that the construction of the Facility will not have an effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (App. at 13, Exhibit L).
32. According to an aeronautical study conducted by the Federal Aviation Administration (FAA), the proposed Facility would not require marking or lighting. (App. at 13, Exhibit R).
33. There would be no impact any known scenic, historic or recreational areas. (App. at Exhibit K).

34. A study prepared by T-Mobile indicates that maximum emissions levels from the proposed Facility would be less than 16% of the safety criteria adopted by the FCC. (App. at 14, Exhibit M).

Visibility

35. The Facility is proposed to be located at the Site in order to minimize impact to residential receptors; the Facility will be located as low as it can be while still providing the necessary coverage to the area. The topography and the mature vegetation at the Site will significantly limit the visual impact of the Facility. (App. at 11-13; Exhibit I, Exhibit K).


36. The proposed Facility will be visible from only 33 acres within a two-mile radius of the tower, which is less than one half of one percent (>.5%) of the study area. (App. at 12, Exhibit K).

37. Views from the Facility are expected to be limited to primarily within 0.5 miles of the Facility. (Id.)

38. The compound area will have a de minimis visual impact as it will be screened by the proposed fencing as well as the vegetative screening provided by the existing vegetation at the Site. (App. at 12; Exhibit K).

Towersharing

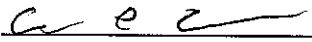
39. This Facility will provide co-location opportunities for public safety communications systems and four (4) wireless carriers, thus avoiding the proliferation of towers.


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CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was delivered by regular mail, postage prepaid, to all parties and intervenors of record.

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